UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LATASHA MIXON, et al., Plaintiffs, v. WELLSPACE HEALTH, Defendant.	No. 2:24-cv-02290-DJC-CSK ORDER

Defendant removed this matter from Sacramento Superior Court on August 22, 2024, under 28 U.S.C. § 1442(a)(1) and 42 U.S.C. § 233(*l*)(2). Plaintiffs have moved to remand, arguing removal was procedurally and substantively improper under both section 1442(a)(1) and section 233(*l*)(2). Having considered the Parties' briefings and arguments, the Court finds Defendant's removal under section 1442(a)(1) was deficient because Defendant has not demonstrated it was acting under the direction of a federal officer when it adopted and used Google Analytics on its Online Platforms and Patient Portal. While the Court also finds removal was premature under section 233(*l*)(2), the issue is ultimately moot as the Attorney General was required to remove this action to federal court under 42 U.S.C. § 233(*l*)(1) pursuant to the precedent set in *Blumberger v. Tilley*, 115 F.4th 1113 (9th Cir. 2024). Thus, the Court will order the

Parties to meet and confer within 14 days of this Order to advise the Court if a hearing is needed to determine whether Defendant was acting within the scope of their employment for the purposes of this action under 42 U.S.C. § 233(c). The Court will stay any decision on Plaintiffs' Motion to Remand in the interim.

BACKGROUND

Defendant WellSpace Health is a healthcare service provider based in Sacramento, California. (Compl. (ECF No. 1-1) ¶¶ 2, 13.) Defendant offers several services on its Online Platforms and Patient Portal, which allow users to search for medical care providers, schedule appointments, and pay bills, among other things (*Id.* ¶ 2.) While utilizing these services, users must often input private and medical information. (*Id.* ¶ 3.)

Plaintiffs Latasha Mixon and Rosana Korman, Defendant's patients since 2019 and 2014 respectively, allege that Defendant has enabled Google LLC ("Google") to intercept much of this private and medical information by placing Google Analytics on its Online Platforms. (*Id.* ¶¶ 3, 12–13.) Plaintiffs allege Google Analytics intercepts users' information in real time and redirects it to Google without users' knowledge or consent. (*Id.*) In exchange for sending this data to Google, Plaintiffs allege Defendant receives analytics and reports that it uses to improve marketing efficacy and increase revenue. (*Id.* ¶ 6.)

Plaintiffs brought this class action on June 14, 2024, in Sacramento Superior Court arguing that, by enabling Google to intercept patient data, Defendant has violated California's Invasion of Privacy Act, Cal. Penal Code § 631, and California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.* (*Id.* ¶¶ 58–67, 74–82.) Plaintiffs also argue Defendant has been unjustly enriched. (*Id.* ¶¶ 68–73.)

Defendant removed this action to federal court on August 22, 2024, arguing this Court has jurisdiction under 28 U.S.C. § 1442(a)(1) because it was acting under the direction of a federal officer when deploying Google Analytics, and under 42 U.S.C. § 233(*l*)(2) because its deployment of Google Analytics is immunized as a

"related function" to its provision of healthcare services. (Notice Removal (ECF No. 1).) Plaintiffs moved to remand on September 23, 2024, arguing removal was untimely and substantively deficient under both section 1442(a)(1)(2) and section 233(*l*)(2). (Mot. Remand (ECF No. 8).) The matter was submitted without oral argument pursuant to Local Rule 230(g) on January 3, 2025. (ECF No. 18.)

On January 10, 2025, the Court ordered the Parties to submit supplemental briefing addressing the impact, if any, of *Blumberger*, 115 F.4th 1113, on Plaintiffs' Motion to Remand. (ECF No. 19.) The Court also invited the United States Attorney for the Eastern District of California ("U.S. Attorney") to file briefing addressing *Blumberger* if desired. (*Id.*) The U.S. Attorney and Parties subsequently filed the requested briefing. (ECF Nos. 20–22.)

DISCUSSION

I. Removal Under 28 U.S.C. § 1442(a)(1) was Timely

Plaintiffs first argue Defendant's removal was untimely under 28 U.S.C. § 1442(a)(1) because Defendant removed this action more than 30 days after receiving the Complaint. (Mot. Remand at 5–9.) The timeliness of removals under section 1442 is governed by 28 U.S.C. § 1446(b). *Blumberger*, 115 F.4th at 1121–22. Under section 1446(b), the removing party must remove an action within 30 days of receiving the pleading that provides the basis for removal. 28 U.S.C. § 1446(b)(1), (3); *Bradford v. Asian Health Servs.*, No. 24-cv-01060-TLT, 2024 WL 2883672, at *7 (N.D. Cal. June 6, 2024). If a party fails to do so, then the court must remand the action because "[t]he 30-day time limit is mandatory." *Hauss v. Home Depot USA, Inc.*, No. 2:23-cv-01138-KJM-JDP, 2023 WL 5382164, at *2 (E.D. Cal. Aug. 21, 2023).

Under California law, a summons and complaint may be served on a corporation to the person designated as agent for service of process. *See* Cal. Code Civ. Proc. § 416.10(a). In lieu of personal delivery to that agent for service, service of a summons and complaint on a corporation is effective by "leaving a copy of the summons and complaint during usual office hours in his or her office or, if no physical

address is known, at his or her usual mailing address, other than a United States Postal Service post office box, with the person who is apparently in charge thereof" and "thereafter mailing a copy of the summons and complaint" to the place where a copy of the summons and complaint were left. *Id.* § 415.20(a). Service is deemed complete, at the latest, on the 10th day after the mailing. *Id.*

Here, Plaintiffs argue they left a copy of the Complaint with and mailed a copy of the Complaint to Defendant's registered California agent, Alasdair Jonathan Porteus, on June 21, 2024. (Mot. Remand at 6 (citing ECF No. 1-3 at 4–6).) Thus, Plaintiffs argue service was complete as of July 1, 2024, and Defendant had until July 31, 2024, to remove this action under section 1446(b). (*Id.*) As Defendant did not remove this action until August 22, 2024, Plaintiffs argue remand is appropriate. (*Id.*)

In response, Defendant argues its removal was timely because Plaintiffs did not sufficiently serve them on July 1, 2024, and they did not receive a copy of the Complaint until July 23, 2024. (Opp'n Mot. Remand at 4.) Defendant argues that "Plaintiff's Proof of Service indicates that in lieu of serving WellSpace's designated agent Alasdair Johnathan Porteus, WellSpace's CEO, Plaintiff left a copy of the Summons and Complaint with Chang Haan, the manager of a Mail Center . . . [and] [t]hereafter, Plaintiff's process server mailed a copy of the Complaint to WellSpace's CEO at the same address." (*Id.* at 5.) Defendant argues such service was defective because "the address wherein they served WellSpace—3104 O Street #336, Sacramento, California—is the location of an entirely separate business unrelated to WellSpace called Alhambra Mail & Parcel" which "is not the office listed on WellSpace's corporate filings, nor is it even a WellSpace location, despite there being nearly 20 WellSpace locations in the greater Sacramento area." (*Id.*) Instead, Defendant argues that "[p]ursuant to the service statute, Plaintiffs were required to hand deliver a copy of the summons and complaint to WellSpace's office and mailing address—which is 1500 Expo Parkway, Sacramento, California." (*Id.*) Thus, Defendant

argues its removal was timely as it they were not effectively served until at least July 23, 2024. (*Id.* at 6.)

Based on the record before the Court, it is not clear that Defendant was sufficiently served as of July 1, 2024. The Court has reviewed Defendant's Statement of Information filed with the California Secretary of State, which lists its agent for service of process as "ALASDAIR JONATHAN PORTEUS" and list the agent's address as "3104 O STREET #336 SACRAMENTO, CA 95816." (LaComb Decl., Ex. A ("Def.'s Statement Information") (ECF No. 14-2).[1]) Plaintiffs served their Complaint on Porteus at this location on June 21, 2024, by leaving a copy of the Complaint with "Chang Haan, Manager of Mail Center," and by mailing a copy thereafter. (*See* ECF No. 1-3 at 4–6.) Plaintiffs argue this service was sufficient under California law.

However, section 415.20(a) specifies that service must be attempted at an agent's "office or, if no physical address is known, at his or her usual mailing address . . . ." Code Civ. Proc. § 415.20(a). It appears that the 3104 O Street #336 Sacramento, CA 95816 address was a mailing, not office, address for Porteus. Indeed, in the Proof of Service documents, the process server checked a box to indicate that service was attempted at 3104 O Street, a mail center, because Porteus's physical address was unknown. (*See* ECF No. 1-3 at 4.) However, Defendant's corporate Statement of Information lists Porteus's office address as 1500 Expo Parkway, Sacramento, CA 95815. (Def.'s Statement Information.) Thus, Plaintiffs have not established Porteus's physical address was unknown. Because section 415.20(a) requires service on an agent's office unless no physical address is known, the Court cannot find service was clearly completed as of July 1, 2024. *See, e.g., Dist. Council 16 N. Cal. Health & Welfare Trust Fund v. Masterpiece Painting, Inc.*, No. 22-cv-06540-HSG (LJC), 2024 WL 735658, at *1–2 (N.D. Cal. Feb. 22, 2024) (ordering plaintiffs to show cause why

[1] Because courts may take judicial notice of an undisputed matter of public record, the Court takes judicial notice of the Statement of Information. *See Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006).

service was proper under section 415.20(a) when service was only attempted on a mailing rather than a physical address).

Accordingly, Plaintiffs have failed to establish Defendant's removal under 28 U.S.C. § 1442(a)(1) on August 22, 2024, was untimely. The Court will not remand on that basis.

II. Removal under 28 U.S.C. § 1442(a)(1) was Improper

Plaintiffs also argue that removal under 28 U.S.C. § 1442(a)(1) was improper because Defendant has not established it was acting "pursuant to a federal officer's directions." (Mot. Remand at 9–13.) 28 U.S.C. § 1442(a), the federal officer removal statute, "permits removal of a state-court action against an 'officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office.'" *Fidelitad, Inc. v. Insitu, Inc.*, 904 F.3d 1095, 1098–99 (9th Cir. 2018) (quoting 28 U.S.C. § 1442(a)(1)). When the removing party under the federal officer removal statute is not itself a federal officer or agency,[2] it must make a threshold showing that "(a) it is a person within the meaning of the statute; (b) there is a causal nexus between its actions, taken pursuant to a federal officer's directions, and [the] plaintiff's claims; and (c) it can

[2] Defendant also appears to argue it qualifies as a federal officer because, "[w]hen broadly construed . . . the phrase 'any officer' in Section 1442 can be read to include [Defendant] as it is 'deemed to be an employee of the [United States Public Health Service ("PHS")]' under a federal statute [42 U.S.C. § 233] that not only affords [Defendant] a federal immunity defense, but affords an additional removal right as well." (Notice Removal ¶ 10.) However, principles of statutory interpretation foreclose Defendant's conclusion. The plain language of section 233 states that an individual may be deemed an employee of PHS, and thus a federal employee, "for purposes of this section," not for purposes of all federal removal statutes. *See* 42 U.S.C. § 233(g)(1)(A); *accord Ramos v. San Diego Am. Indian Health Ctr.*, No. 23-cv-570-MMA-AHG, 2024 WL 1117093, at *9 (S.D. Cal. Mar. 14, 2024) (holding "[d]efendant cannot rely on its PHS employee status to show that it acted under the color of federal office for removal purposes [under 28 U.S.C. § 1442(a)(1)] because [42 U.S.C. § 233(g)(1)(A)] expressly provides that such a determination is only "[f]or purposes of this section"). Defendant points to *Friedenberg v. Lane County*, 68 F.4th 1113 (9th Cir. 2023) for the proposition that "a federally funded community health center under PHS Law [is] entitled to removal as a federal officer under 28 U.S.C. § 1442(a)(1)." (Notice Removal ¶ 54.) However, the issue decided by the Ninth Circuit in *Friedenberg* was whether the defendants invoked section 1442(b)(1) in their removal notice, not whether they were acting under federal authority when engaging in the relevant conduct. *See Friedenberg*, 68 F.4th at 1123–24. Thus, Defendant does not qualify as a federal officer for the purposes of section 1442.

assert a colorable federal defense." *Doe v. Cedars-Sinai Health Sys.*, 106 F.4th 907, 913 (9th Cir. 2024) (quoting *Cnty. of San Mateo v. Chevron Corp.*, 32 F.4th 733, 755 (9th Cir. 2022)). "Unlike removal under § 1441 which is construed narrowly, federal officer removal must be liberally construed." *Id.* (internal quotation marks and citation omitted). However, the court may not expand the federal officer removal statute beyond its reach, "potentially bringing within its scope state-court actions filed against private firms in many highly regulated industries." *Id.* (quoting *Cnty. of San Mateo*, 32 F.4th at 757).

Defendant asserts that federal jurisdiction exists under 28 U.S.C. § 1442(a)(1) because (1) it is a person within the meaning of that statute; (2) it developed its Online Platforms and Patient Portal, which use Google Analytics, pursuant to federal direction, and there is a causal nexus between its development of these websites and Plaintiffs' claims; and (3) it has a colorable federal defense to Plaintiffs' claims. (Notice Removal ¶¶ 8–12, 38–63.) Plaintiffs do not challenge that Defendant is a "person" under the statute. (Mot. Remand at 9.) Rather, Plaintiffs dispute that Defendant was acting under the direction of a federal officer when adopting and using Google Analytics. (*Id.* at 9–13.)

The Court agrees. "To satisfy § 1442(a)(1)'s causal nexus requirement, [a defendant] must demonstrate that it was acting under a federal officer in performing some act under color of federal office, i.e., that it was involved in an effort to assist, or to help carry out, the duties or tasks of the federal superior." *Cedars-Sinai Health Sys.*, 106 F.4th at 913 (internal quotations marks omitted). "[T]he mere 'fact that a federal regulatory agency directs, supervises, and monitors a company's activities in considerable detail' does not mean the company acts under a federal officer for removal purposes." *Id.* (quoting *Watson v. Philip Morris Cos.*, 551 U.S. 142, 145 (2007)). "A private firm's compliance (or noncompliance) with federal laws, rules, and regulations does not by itself fall within the scope of the statutory phrase 'acting under' a federal 'official.' And that is so even if the regulation is highly detailed and

even if the private firm's activities are highly supervised and monitored." *Watson*, 551 U.S. at 153. To determine whether a person is acting under a federal officer, courts consider whether (1) "the person is acting on behalf of the officer in a manner akin to an agency relationship[,]" (2) "the person is subject to the officer's close direction, such as acting under the 'subjection, guidance, or control' of the officer, or in a relationship which 'is an unusually close one involving detailed regulation, monitoring, or supervision[,]'" (3) "the private person is assisting the federal officer in fulfilling basic governmental tasks that the Government itself would have had to perform if it had not contracted with a private firm[,]" and (4) "the private person's activity is so closely related to the government's implementation of its federal duties that the private person faces a significant risk of state-court prejudice, just as a government employee would in similar circumstances, and may have difficulty in raising an immunity defense in state court." *Cnty. of San Mateo*, 32 F.4th at 756.

In support of removal, Defendant outlines the legislative and regulatory background leading to the development of its Online Platforms and Patient Portal. (Notice Removal ¶¶ 23–30.) In 2009, Congress passed the Health Information Technology for Economic and Clinical Health ("HITECH") Act to encourage healthcare providers to digitize medical records and make them available online to patients and medical care providers. (*Id.* ¶ 24.) The Office of the National Coordinator for Health Information Technology ("National Coordinator"), which is tasked with coordinating these efforts, has published strategies for healthcare providers to implement the HITECH Act's objectives. (*Id.* ¶ 25.) One aspect of these strategies is the "Meaningful Use Program," 42 C.F.R. § 495.2 *et seq.*, which mandates participating healthcare providers provide patients with the ability to "view, download, and transmit" their health information online. (*Id.* ¶ 26 (citing 42 C.F.R. § 495.20(f)(12)).) To achieve the objectives of this program, the National Coordinator and the Centers for Medicare and Medicaid Services provide healthcare providers with requirements they must

meet and guidance in order to federal receive incentive payments and/or to avoid reductions to their Medicare reimbursements. (*Id.* ¶¶ 26–29, 50.)

Defendant argues that, when creating and implementing its Online Platforms and Patient Portal, it acted in response to and in furtherance of these federal directives. (*Id.* ¶¶ 30, 43–51.) Defendant argues there is a causal connection between its development of its Online Platforms and Patient Portal under these federal directives and Plaintiffs' claims because "Plaintiffs' Complaint directly challenges the data analytic practices used by [Defendant] [on] its Online Platforms and Patient Portal which help drive patients to [Defendant]'s website and to its Online Platforms" which is "precisely what the Meaningful Use program envisions." (*Id.* ¶ 55.)

Defendant's arguments are unpersuasive and foreclosed by recent circuit precedent in *Cedars-Sinai Health Sys.*, in which the Ninth Circuit held that the federal officer removal statute did not confer federal jurisdiction in three consolidated cases that likewise involved the Meaningful Use Program and healthcare providers' use of third-party tracking software on their website and patient portal. 106 F.4th at 916. In *Cedars-Sinai Health Sys.*, the healthcare providers' website and patient portal used codes to track patients' interactions with the website to relay the information back to the healthcare providers and to third parties, such as Meta and Google. *Id.* at 911–12. The providers submitted yearly reports attesting to their progress in implementing the Meaningful Use Program's objectives to take advantage of the federal incentive payments. *Id.* After the plaintiffs filed actions asserting violations of California law, the defendants removed the cases to federal court under the federal officer removal statute. The Ninth Circuit upheld the district court's orders remanding the cases back to state court for lack of jurisdiction, finding that the healthcare providers did not assist the National Coordinator with delegated "basic governmental tasks" when they created and operated the patient portal and website because "[a]cting under a federal officer entails more than 'simply complying with the law.'" *Id.* at 916. Rather, the court reasoned, to benefit from federal officer removal, the healthcare providers would

need to show they were "helping the Government to produce an item it needs," which "generally involves a 'delegation of legal authority' from a federal entity." *Id.* (quoting *Watson*, 551 U.S. at 156).

Like the healthcare providers in *Cedars-Sinai Health Sys.*, Defendant argues that it was acting pursuant to a federal officer's directions because it "complied with the broad requirements of the HITECH Act, which apply to any healthcare provider participating in the Meaningful Use Program." *Id.* at 917. But Defendant's voluntary participation in the Meaningful Use Program and compliance with its requirements does not make Defendant's website "a federal government website, or [one] that it is operated on the government's behalf or for the federal government's benefit." *Id.* While Defendant's actions may have advanced the government's policy, the website remains a "private website, built by a private entity, to serve that private entity's patients and staff." *Id.*

In short, Defendant was not "acting under" a federal officer by participating in the Meaningful Use Program or in creating and operating Defendant's Online Platforms or Patient Portal. Accordingly, section 1442(a)(1) does not provide a basis for jurisdiction in this case.

III. Plaintiffs' Arguments Concerning Premature Removal under 42 U.S.C. § 233(*l*)(2) are Moot

Under the Federally Supported Health Centers Assistance Act, health centers that are "deemed" to be United States Public Health Service ("PHS") employees by the Department of Health and Human Services ("HHS") are entitled to immunity from any civil action or proceeding resulting from their performance or failure to perform medical or related functions within the scope of their employment. *See* 42 U.S.C. §§ 233(a), (g), (h). When section 233 immunity applies, the United States is substituted as the defendant and the action proceeds as one brought under the Federal Torts Claims Act ("FTCA"), 28 U.S.C. §§ 2671–2680. *See* 42 U.S.C. § 233(a). However, the FTCA's applicability is not automatic. Instead, U.S. Attorneys—in

accordance with the Attorney General's delegation of such duties—evaluate when a lawsuit's alleged actions or omissions trigger the FTCA's coverage. 42 U.S.C. § 233(b)–(*l*). If a healthcare provider is sued in state court, there are two avenues for the case's removal to federal court: (1) the Attorney General can remove the case after certifying the defendant is a deemed PHS employee whose actions or omissions fall within the FTCA's purview; or (2) the healthcare provider can remove the case on its own if the Attorney General fails to appear within 15 days of receiving notice of the case. *See id.* §§ 233(*l*)(1)–(2). The timing requirements in section 233(*l*) are mandatory and, as a result, courts have remanded actions in which a defendant failed to comply with the timing requirements. *See, e.g.*, *Sherman v. Sinha*, 843 F. App'x 870, 873 (9th Cir. 2021) (remanding case because the defendant "sought to remove the civil action to the district court before expiration the time set for the Attorney General to determine whether she would be deemed a federal officer").

Here, Defendant removed this action on August 22, 2024, under section 233(*l*)(2). However, the Attorney General was not notified of the action until August 29, 2024, and appeared in the state court action on September 5, 2024. (*See* LaComb Decl., Ex. A (ECF No. 8-2).) Thus, removal under section 233(*l*)(2) was premature as Defendant removed the action before the Attorney General was notified and the Attorney General appeared within 15 days. *See, e.g., K.C. v. Cal. Hosp. Med. Ctr.*, No. 2:18-cv-06619-RGK-ASx, 2018 WL 5906057, at *5 (C.D. Cal. Nov. 8, 2018) (removal improper because defendant did not wait 15 days from notifying the Attorney General to remove the action and the Attorney General appeared within 15 days).

The Court finds the Ninth Circuit's recent decision in *Blumberger* helpful in resolving whether the premature removal requires remand. As the Ninth Circuit clarified in *Blumberger*, when the Attorney General appears in state court within the 15-day deadline prescribed under section 233(*l*)(1), the Attorney General is at that moment obligated to "advise the state court whether the employee was deemed a PHS employee by the [HHS] Secretary for the relevant time period and was providing

the categories of medical services for which he was deemed." 115 F.4th at 1129. The Ninth Circuit called this initial report "a simple up-down certification" that "requires access to only two documents—the deeming notice issued by HHS and the complaint." *Id.* at 1133.

The Ninth Circuit contrasted this deeming decision, which encompasses the HHS Secretary's ex-ante decision to treat certain entities as PHS employees, with the Attorney General's more robust ex-post coverage decision, under which the Attorney General determines if the PHS employee was acting within the scope of his employment "at the time of the incident out of which the suit arose." *Id.* at 1127–29 (quoting 42 U.S.C. § 233(C)). The court held that, if the HHS Secretary has given a defendant deemed status, then the Attorney General is "obligated to advise the state court in the affirmative" of that deemed status and "remove the case to federal court." *Id.* at 1139. Once the case is removed, the Attorney General, defendant, or plaintiff has 30 days to move to remand the case "on the basis that [defendant] was not acting within the scope of his employment." *Id.* The Ninth Circuit has further instructed that, under 42 U.S.C. § 233(c) the "district court should, upon a timely motion to remand, hold a hearing to determine whether the case so removed is one in which a remedy by suit within the meaning of subsection (a) . . . is not available against the United States," during which the Attorney General "is free to contest whether [the defendant] was acting within the scope of his employment." *Id.* at 1140.

Applying *Blumberger*'s reasoning here, the Court finds that Defendant's procedural error in removing this action too soon under section 233(*l*)(2) is moot because the Attorney General was required to remove the action upon appearing in the state court action under section 233(*l*)(1) and certifying that the Defendant was a deemed employee of the PHS. (*See* LaComb Decl., Ex. A.) Thus, had Defendant not already removed the case, the U.S. Attorney would have been obligated to remove the case to federal court. Given this conclusion, the Court finds that Defendant's early removal is ultimately moot.

That said, remand may still be appropriate under 42 U.S.C. § 233(c), which provides that a district court may remand a matter if it "determine[s] on a hearing on a motion to remand held before a trial on the merit that the case so removed is one in which a remedy by suit within the meaning of [42 U.S.C. § 233(a)] of this section is not available against the United States . . . ." Since its initial appearance in the state court action, the U.S. Attorney has performed their ex-post coverage determination and has determined that "Plaintiffs' Complaint does not arise out of any conduct by WellSpace for which § 233(a) makes the remedy against the United States exclusive" such that remand is appropriate. (*See* Frueh Decl., Ex 3 (ECF No. 22-4); *see also* ECF No. 22 at 10–15.) Given this ex-post coverage determination, the Court will order the Parties and U.S. Attorney to meet and confer within 14 days and advise the Court if they agree that remand is warranted under section 233(c). If the Parties disagree, the Court will schedule a hearing to determine the appropriate forum for Plaintiffs' claims.

CONCLUSION

Accordingly, IT IS HEREBY ORDERED the Parties and U.S. Attorney shall meet and confer and thereafter file a joint status report within fourteen (14) days advising the Court as to the necessity of holding a hearing under 42 U.S.C. § 233(c). The Court will stay any ruling on Plaintiffs' Motion to Remand (ECF No. 8) in the interim.

IT IS SO ORDERED.

Dated: **February 14, 2025**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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